

REMARKS

Applicant thanks the Examiner for the very thorough consideration given the present application.

Claims 1-11 are now present in this application. Claims 1 and 11 are independent. Claim 1 is amended. Claim 11 is added. No new matter is involved. Reconsideration of this application is respectfully requested.

Rejection under 35 U.S.C. §102

Claims 1-10 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,275,220 to Nitta. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action and is not being repeated here.

Nitta fails to disclose the combination of features recited in claims 1-10.

An analysis of Nitta reveals that Nitta differs substantially from the claimed invention.

Claims 1-10 positively recite a combination of features including an electro-luminescence panel having a first face including a display area and an opposite face having a non-display area; and driving circuit boards for applying driving signals to a gate line and a data line provided on the opposite face having the non-display area of the electro-luminescence panel.

Nitta does not disclose this combination of features. Instead, in Nitta, the TAB elements 20 are on the light-emitting surface of the panel, which is just the opposite of what is recited in claims 1-10.

Accordingly, Nitta does not anticipate claims 1-10.

Applicant respectfully points out that what is labeled, in Fig. 2 of Nitta, as "LIGHT EMITTING FACE", does not correspond to Applicant's light-emitting face. Applicant's light-emitting face is not the face on which the electrodes and PCB's are installed – see Applicant's Fig. 7 in this regard.

For example, referring to Fig. 8 of Applicant's invention, element 62 corresponds to element 22b of Fig. 2 of Nitta, Applicant's element 54 corresponds to element 18 of Nitta, and Applicant's element 50 corresponds to elements 11 and 12 of Nitta.

Because the light-emitting face of Applicant's invention is not the same as the light-emitting face of Nitta, one can see that Nitta's extended non-display area 15a used to attach Nitta's PCB 18 is not needed by Applicant's invention. In other words, Nitta's rear face is its light-emitting face, i.e., the same face on which its IC's and PCB's are attached, whereas in Applicant's device, the TCP's and FPB's are attached to the plate through which light is not emitted. Light is emitted in Applicant's invention through the opposite face from the face on which the TCP's and FPB's are located.

Applicant's claimed invention reduces the extended non-display area as well as to eliminate potential breakage and opening of a TCP or FPB.

Accordingly, Nitta does not anticipate claims 1-10.

Reconsideration and withdrawal of this rejection of claims 1-10 as anticipated by Nitta is respectfully requested.

Rejections under 35 U.S.C. §103

The Office Action rejects claims 1-10 under 35 USC §103(a) as unpatentable over U.S. Patent 6,774,897 to Kawada et al (hereinafter, "Kawada"). This rejection is respectfully traversed.

The Office Action alleges that Kawada discloses all claimed features except that Kawada does not "specifically teach the tape carrier packages connecting the driving boards and the electroluminescence panel in a planar state."

To remedy this admitted deficiency, the Office Action concludes that "it would have been obvious to minimize the size of the heat sink block to provide a display that is capable of being made having a small thickness."

During patent examination the PTO bears the initial burden of presenting a *prima facie* case of unpatentability. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). If the PTO fails to meet this

burden, then the applicant is entitled to the patent. Only when a *prima facie* case is made, the burden shifts to the applicant to come forward to rebut such a case.

It is well settled that a rejection based on 35 U.S.C. §103 must rest on a factual basis, which the Patent and Trademark Office has the initial duty of supplying. In re GPAC, Inc., 57 F.3d 1573, 1582, 35 USPQ2d 1116, 1123 (Fed. Cir. 1995); In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

In so doing, the Examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966) and to provide a reason why one of ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal Inc. v. F-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988), cert. denied, 488 U.S. 825 (1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a

prima facie case of obviousness. Note, In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be suggested or taught by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1970). All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

A showing of a suggestion, teaching, or motivation to combine the prior art references is an "essential evidentiary component of an obviousness holding." C.R. Bard, Inc. v. M3 Sys. Inc., 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998). This showing must be clear and particular, and broad conclusory statements about the teaching of multiple references, standing alone, are not "evidence." See In re Dembiczak, 175 F.3d 994 at 1000, 50 USPQ2d 1614 at 1617 (Fed. Cir. 1999).

This rejection is improper for a number of reasons.

In the first place, the Office Action presents no objective factual evidence or reasoning to support this speculative conclusion. For that reason alone, it is

improper. Moreover, no objective factual evidence that the claimed planar feature is found anywhere in Kawada is presented.

In the second place, plasma display panels, including that of Kawada, are normally of a relatively small thickness, and there is no objective factual evidence of record presented to show that there is a need to make Kawada's display panel smaller than it is.

In the third place, even if it were shown (which it has not been) that it would be obvious to make Kawada's plasma display panel to have a smaller thickness, there is no objective factual evidence of record presented to make it smaller by providing a claimed feature that is admittedly missing from Kawada, i.e., providing tape carrier packages connecting the driving circuit boards and the panel in a planar state.

Applicants respectfully submit that because Kawada does not disclose such a planar state feature, and because no objective factual evidence has been provided to show such a feature, the rejection is based on improper speculation and/or improper hindsight reconstruction of Applicant's claimed invention based solely on Applicant's disclosure.

Accordingly, this rejection of claims 1-10 as unpatentable over Kawada is improper and should be withdrawn.

Reconsideration and withdrawal of this rejection is respectfully requested.

New Claim 11

New claim 11 positively recites a combination of features that is neither disclosed nor suggested by the applied references. These features include, for example, tape carrier packages disposed solely on the non-display area of the opposite surface of said panel and connecting the driving circuit boards and the electro-luminescence panel in a planar state.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

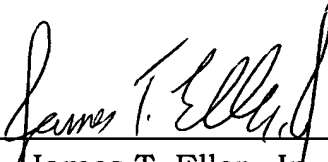
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area.


Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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